

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-47-WS - ORDER NO. 2014-320

MAY 6, 2014

IN RE: Application of Carolina Water Service,)	FINAL ORDER ON
Incorporated for Approval of an Increase in)	REMAND
Its Rates for Water and Sewer Services)	
Provided to All of Its Service Areas in South)	
Carolina)	

This Application for adjustment of rates filed by Carolina Water Service, Inc. (“CWS”, “Applicant”, or “Company”) originally came before the Commission as the result of an Application filed on April 15, 2011. The Applicant is represented by Charles L.A. Terreni, Esquire, and Scott Elliott, Esquire; the Office of Regulatory Staff is represented by Nanette Edwards, Esquire, and Jeffrey M. Nelson, Esquire; the Intervenor, Forty Love Point Homeowners’ Association (“the HOA”) is represented by Laura P. Valtorta, Esquire, and Intervenor Midlands Utility, Inc. (“Midlands”) is represented by Charles Cook, Esquire.

CWS and Midlands have settled all issues between them in this docket. The Commission denied the Application in Order No. 2011-74 and Order No. 2012-31 in response to the Company’s motion for reconsideration. The Company appealed the Commission’s Orders, and received approval to implement rates under bond pursuant to S.C. Code Ann. § 58-5-240(D). See Order No. Order No. 2012-31.

The South Carolina Supreme Court remanded the matter to the Commission for further consideration. See *Carolina Water Service v. South Carolina Office of Regulatory Staff*, Memorandum Opinion of the South Carolina Supreme Court dated June 14, 2013, Appellate Case No. 2012-208126. While the remand of this case was pending before the Commission, on September 4, 2013, CWS filed another Application for adjustment of rates and charges. See Docket No. 2013-275-WS. The HOA also intervened in Docket No. 2013-275-WS. The parties to CWS's most recent Application entered into a Settlement Agreement on January 7, 2014, by which they resolved all issues in both Docket No. 2011-47-WS and Docket No. 2013-275-WS. While Midlands was not a party to Docket No. 2013-275-WS, the parties' settlement effects the terms of the settlement between CWS and Midlands.

With regard to the instant docket, the Settlement Agreement contains the following provision:

The Parties agree that, if approved, this Settlement Agreement will also resolve all pending issues in Docket No. 2011-47-WS to include any dispute which may exist regarding CWS's claim to regulatory expenses, including but not limited to attorney's fees, incurred in connection with CWS's previous rate case in Docket No. 2011-47-WS. The Parties further agree that, by approving the rates resulting from this settlement agreement, the Commission is also approving the rates put in effect under bond by CWS in Docket No. 2011-47-WS. Therefore, upon approval of this Settlement Agreement, the Parties will jointly move the Commission to issue a final order in Docket No. 2011-47-WS affirming the rates placed in effect under bond by CWS, releasing the bond posted by CWS to secure those rates, declaring the rates superseded by the rates approved pursuant to this Settlement Agreement, and declaring any and all other issues in that docket resolved.

Settlement Agreement, at paragraph 18, (p.7)

The Commission approved the Settlement Agreement on March 4, 2014, in Order No. 2014-207, and CWS and the ORS have now moved for a final order in the instant

docket providing the agreed upon relief. Neither Midlands nor the HOA object to this motion.

The Commission hereby grants the parties' motion and orders the following relief:

I. The rates put into effect under bond by CWS pursuant to Order No. 2012-31 are affirmed as valid and final.

II. CWS is released of its obligations to post and maintain the bond securing the rates placed in effect pursuant to Order No. 2012-31.

III. The rates originally placed in effect pursuant to Order No. 2012-31 and affirmed pursuant to this Order, are superseded by the rates put in effect pursuant to Order No. 2014-207 in Docket No. 2013-275-WS.

IV. All other issues raised in the above captioned docket are finally resolved.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


Nikiya Hall, Vice Chairman

(SEAL)